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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 ANTOLIN ANDREW MARKS,

11 Plaintiff,

12 v.

13 GARY GARMAN *et al.*,

14 Defendants.

Case No. C07-5682FDB/JKA

ORDER ADOPTING
REPORT AND
RECOMMENDATION

15 The Court, having reviewed Plaintiffs' complaint, the Report and Recommendation of
16 Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the
17 remaining record, does hereby find and ORDER:

- 18 (1) The Court adopts the Report and Recommendation;
- 19 (2) Plaintiff failed to properly exhaust his tort claim regarding release of information.
20 This claim is **DISMISSED WITHOUT PREJUDICE**. There are no other
remaining claims and the action is dismissed.
- 21 (4) The Clerk is directed to send copies of this Order to plaintiff, counsel
22 for defendants, and to the Hon. J. Kelley Arnold.

23 DATED this 20th day of January 2009.

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26 FRANKLIN D. BURGESS
27 UNITED STATES DISTRICT JUDGE
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